

Mr. Chairman, members of the Senate Agriculture, Livestock and Irrigation Committee. My name is Russell Beebe. I oppose HB548. I believe this bill is on the right track, but it needs a lot more work. Before we make this a law, we need to know what the regulations will be governing these facilities. I would like to know how easy it will be to change numbers and regulations in the future.

I'm worried about the fiscal analysis. The costs are under estimated and the appropriations in the bill don't match the estimates from the department of livestock.

Why will it take a full time compliance officer at \$46,487 plus benefits and a part-time veterinarian at \$35,232 plus benefits, to inspect and write certificates for an estimated 15 facilities? The bill states that after the facility passes its first inspection they will not need to be inspected for 2 years. What will the compliance officer and veterinarian do the next year?

In order for this bill to make it out of the House Agriculture Committee it had to be shelled. What will happen if this bill was to pass and it can not fund it's self like the fiscal note says? Please vote no for HB548.

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County spends \$71K so far on dog care; donations help

By LAURA TODE
Of The Gazette Staff

As Deb Palmer and Bonita Vickery washed stainless-steel dog bowls at the MetraPark shelter, the clang of the bowls added to the raucous sounds of feeding time. More than 250 English shepherds are sheltered there in refurbished horse barns. When volunteers push the wheelbarrow down the aisles, the dogs bark, yip and howl until their bowls are filled.

Palmer spends about eight hours a day volunteering at the shelter. She's a handler - responsible for socializing three timid dogs - and pitches in cleaning stalls, feeding and any other task that needs to be done. Palmer has the time, she said, and she loves dogs, so when she saw the opportunity to volunteer she was one of the first to sign up.

"How can you get tired of what you love?" Palmer said.

It takes a core team of about 30 volunteers a day to care for the dogs, which were seized more than two months ago from Linda Kapsa, owner of Shady Lane Kennels in Ballantine. County officials suspected Kapsa was neglecting the dogs and issued a search warrant on her property Dec. 30. The sheriff's office removed 187 live dogs and numerous dead dogs from the property.

The dogs were taken to MetraPark. Since then, more than 50 puppies have been born. Another 12 dogs are pregnant. The population could easily exceed 300 by the time the case is settled, said Catherine Schaeffer, manager of the temporary shelter.

By mid-February, volunteers had logged more than 6,400 hours caring for the dogs and remodeling three horse barns at MetraPark. But as the number of dogs increases, more volunteers are needed both at MetraPark and at the old Moore Lane Veterinary Hospital, which is housing nursing mothers and young pups.

Volunteers are needed to socialize the dogs and puppies, feed and water them, exercise them and clean stalls. Since the operation began at MetraPark, a team of handlers has been trained to work with the timid and semi-feral dogs, but more handlers are needed.

"We have a lot of happy, social dogs here now, but we still have dogs that run from people and can't be on a leash - they need work," Schaeffer said.

Criminal, civil charges

Kapsa was charged with two felony counts of aggravated animal cruelty, two misdemeanor counts of having a dog at large and two misdemeanor counts of failing to provide rabies information. She pleaded not guilty to all charges and was released without bond until her trial starts May 4.

Kapsa requested a public defender and is represented by Moira D'Alton, who recently filed a notice that Kapsa intends to call Heights veterinarian Shafiq Khaleel as a defense witness. Meanwhile, prosecutors filed a notice that they intend to prosecute Kapsa as a persistent felony offender, which carries on conviction a possible sentence enhancement of up to 100 years in prison. The notice is filed under seal in the court record, and details have not been made public.

A civil animal welfare petition was also filed against Kapsa, asking a judge to determine whether Kapsa has the

ability to help pay for the dogs' care while they are in the county's custody. Kapsa could be required to post a bond or security to offset the costs.

The hearing was set for March 2, but Liz Honaker, Kapsa's civil attorney, asked for more time to gather evidence. No new date has been set.

Costs keep climbing

The Yellowstone County Sheriff's Office has incurred expenses in excess of \$71,000 on Kapsa's case so far, including veterinary care.

Generous donors - most of them local - have pitched in more than \$26,000 in cash and gift cards, and every day, more donations come in, said Barbara Weathermon, main front desk clerk at the Yellowstone County Sheriff's Office who is assisting in tracking donations and volunteer hours for the animal cruelty case against Linda Kapsa.

Adoption discouraged

Kapsa's animals are considered evidence and cannot be offered for adoption until the case is resolved.

However, volunteers at both shelters are maintaining lists of people interested in adopting one of Kapsa's English shepherds if they become available. They caution potential adopters that the list comes without any promise or guarantee even if the dogs become available.

Many of those on the list are handlers and volunteers who have become attached to dogs they are working with.

Palmer said she is hoping for the chance to adopt the three dogs she's worked to socialize.

Anyone interested in adopting an English shepherd is encouraged to volunteer to get to know the dogs and the traits of the breed.

Other rescued dogs

While there are more than 250 dogs involved in the Shady Lane Kennels case, there are at least that many dogs of all breeds available for rescue through Montana animal shelters. A list with photos and profiles of dogs and puppies in need of adoption can be found at www.montanapets.org.

A Butte case against a transient animal hoarder has the animal shelter there looking for homes for 21 mixed-breed huskies, all that remain from about 150 malnourished dogs found in a broken-down bus at the Flying J Truck Stop in Rocker. The owner pleaded guilty to aggravated animal cruelty and was given a 14-month suspended sentence.

Ten of the huskies have been transported to Billings for placement through Help for Homeless Pets, 2910 Hannon Road.

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DEPUTY YELLOWSTONE COUNTY ATTORNEY INGRID ROSENQUIST EXPECTS LINDA
KAPSA TO PAY FOR COSTS OF DOGS IMPREGNATED WHILE IN STATE/YELLOWSTONE
COUNTY CUSTODY
by MONTANA NEWS ASSOCIATION

Syndicated by: Montana News Donald Cyphers Editor-in-Chief

Billings Mt., March 12, 2009--/MNA PRESS/--Deputy Yellowstone County Attorney Ingrid Rosenquist, on February 19, 2009 petitioned District Court for a Civil Action for an Animal Welfare Hearing regarding the care of the dogs Yellowstone County officials seized from Linda Kapsa's Shady Lane Kennels. The petition is based on Montana Code Annotated 27-1-434, and specifically requests the Court to find probable cause that the animals exhibited extreme disease, injury, and/or suffering while in Kapsa's care and also that the Court set a hearing date to determine the viability of the imposition of a bond or security in an amount sufficient to provide for the animals' care while in the custody of the State.

The cost of the care of Kapsa's dogs jumped from just under \$32,000 as of February 24th, to over \$72,000 as of March 13th. The cause of this hike was the receipt of two invoices from Dr. Rob Bruner of Big Sky Pet Center for costs incurred in January: \$31,105.35 for Veterinary Services and \$1,045.00 for boarding.

Other costs are mounting, due to puppies being born. According to a Billings Gazette article written by Laura Tode, published on March 11, 2009, twelve of Kapsa's dogs are pregnant.

This development brings up an interesting point. The gestation period for dogs is sixty-three (63) days – nine weeks – or less. Yellowstone County officials raided Kapsa's Shady Lane Kennels in Ballantine, MT, for the second time, on December 30, 2008. As of the publication date of Tode's Billings Gazette article, Kapsa's dogs had been in the custody of the State/County for over ten weeks. This means that the dogs that are pregnant, at this point, were impregnated while under the County's care.

How is it that Deputy Yellowstone County Attorney Ingrid Rosenquist is petitioning the Court to charge Kapsa for the needless cost of new puppies of dogs that got impregnated while under State/County custody? How can these costs possibly be Kapsa's responsibility? Are they not, rather, the responsibility of Yellowstone County Animal Control and Humane Society officials, who did not handle the dogs responsibly by immediately separating them, after they seized them from Shady Lane Kennels? Twelve dogs are still pregnant, which means they had to have been impregnated at least two weeks after having been taken into State/County custody. Therefore, all the ensuing costs of the litters of those dogs cannot and should not be levied against Kapsa.

Was the petition for an Animal Welfare Hearing an end run by Rosenquist, who has shown her ethics to be in question through her inappropriate legislative testimony, to attempt to levy fraudulent costs against Linda Kapsa? The cost of the County's mismanagement of this case should not be laid at Kapsa's door.

MORE ON INGRID ROSENQUIST: